#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

SHARPER IMPRESSIONS PAINTING CO,

Plaintiff, : Case No. 2:22-cv-02245

v. : Judge Algenon L. Marbley

MICHAEL THIEDE, et al : Magistrate Judge Chelsey M. Vascura

Defendants.

# PLAINTIFF'S MOTION TO ENFORCE AGREED PERMANENT INJUNCTION AND FINAL JUDGMENT ENTRY AND CONTEMPT OF COURT AND REQUEST FOR SANCTIONS

## **EXHIBIT B**

Case: 2:21-cy-02245-A-M-CMV-Doc.#: 37-2 Filed: 06/21/22 Page: 2-of 12 PAGEID #: 272 JS44 (Rev. 10/2020 NDGA)

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)  MICHAEL THIEDE		DEFENDANT(S) SHARPER IMPRESSIONS PAINTING CO SHARPER IMPRESSIONS PAINTING OF ATLANTA, LLC		
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Cherokee, GA (EXCEPT IN U.S. PLAINTIFF CABES)	,	COUNTY OF RESIDENCE OF FIRST LISTED  DEFENDANT Union County OH  (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED		
(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMERICAL ADDRESS)  Ronald F. Debranski II  Debranski & Associates, LLC  321 Creekstone Ridge  Woodstock, GA 30188  770-926-1957  ron@debranski.com	MBER, AND	ATTORNEYS (IF KNOWN)		
II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)		III. CITIZENSHIP OF PRINCIPAL PARTIES  (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  (FOR DIVERSITY CASES ONLY)		
1 U.S. GOVERNMENT  1 U.S. GOVERN	PLF DEF  1 1 CITIZEM OF THIS STATE  4 1 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE  2 12 CITIZEN OF ANOTHER STATE  5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE  1 1 CITIZEN OR SUBJECT OF A 6 6 FOREIGN NATION			
IV. ORIGIN (PLACE AN "X "IN ONE BOX ONLY)  I ORIGINAL PROCEEDING 12 REMOVED FROM APPELLATE COURT APPELLATE COURT APPELLATE COURT REOPENED 12 REMOVED FROM APPELLATE COURT REOPENED 13 REMANDED FROM REOPENED 14 REINSTATED OR SANOTHER DISTRICT SPECIFIC Specify District) 15 TRANSFER 17 FROM MAGISTRATE JUDGE (Specify District) 17 TRANSFER 17 JUDGMENT 17 JUDGMENT 17 DISTRICT SPECIFICATION APPELLATE COURT REOPENED 17 JUDGMENT 17 DISTRICT SPECIFICATION APPELLATE COURT SPECIFICAT				
MULTIDISTRICT 8 LITIGATION - DIRECT FILE		•		
V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE SURISDICTIONAL STATUTES UNI	UNDER WHICH YOU LESS DIVERSITY)	ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE		
(IF COMPLEX, CHECK REASON BELOW)  1. Unusually large number of parties.	□ 6 Prob	lems locating or preserving evidence		
2. Unusually large number of claims or defenses.		ling parallel investigations or actions by government.		
3. Factual issues are exceptionally complex	8. Multiple use of experts.			
4. Greater than normal volume of evidence.  5. Extended discovery period is needed.	Accounts	d for discovery outside United States boundaries.  tence of highly technical issues and proof.		
FOR OFFICE USE ONLY  RECEIPTS  AMOUNT S  MAG. HDGE  (Referral)	ONTINUED  APPLYING NATURE	ON REVERSE  MAO, JUDGE (IPP)  CAUBE OF ACTION 104		

# Case: 2:21-cv-02245-A-1/1858-Y-Doc #: 37-2-Filed: 06/21/23-R3992: 3-patgl=2-PASEID #: 273

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)				
CONTRACT - "0" MONTHS DISCOVERY TRACK  LISO RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT LOANS (Excl. Veterus)  LIST RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS  CONTRACT - "4" MONTHS DISCOVERY TRACK  LIO INSURANCE LIO MARINE LISO STOCKHOLDERS' SUITS LISO CONTRACT LISO STOCKHOLDERS' SUITS LISO CONTRACT PRODUCT LIABILITY LISO CONTRACT PRODUCT LIABILITY LISO FERNACHISE  REAL PROPERTY - "4" MONTHS DISCOVERY TRACK LISO FORECLOSURE	CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK  440 OTHER CIVIL RIGHTS  441 VOTING  442 EMPLOYMENT  443 HOUSING ACCOMMODATIONS  444 SHOUSING ACCOMMODATIONS  445 AMERICANS with DISABILITIES - Employment  446 AMERICANS with DISABILITIES - Other  448 EDUCATION  IMMIGRATION - "0" MONTHS DISCOVERY TRACK  462 NATURALIZATION APPLICATION  463 OTHER IMMIGRATION ACTIONS  PRISONER PETITIONS - "0" MONTHS DISCOVERY  TRACK  463 HABEAS CORPUS - Alien Detainee  510 MOTIONS TO VACATE SENTENCE  530 HABEAS CORPUS  535 HABEAS CORPUS  535 HABEAS CORPUS  535 PRISON CONDITION(S) - Filed Pro se  550 CIVIL RIGHTS - Filed Pro se  550 CIVIL RIGHTS - Filed Pro se  550 CIVIL RIGHTS - Filed by Counsel  550 CIVIL RIGHTS - Filed by Counsel  FORFEITURE/PENALTY - "4" MONTHS DISCOVERY  TRACK  550 CIVIL RIGHTS - Filed by Counsel  555 PRISON CONDITION(S) - Filed by Counsel  FORFEITURE/PENALTY - "4" MONTHS DISCOVERY  TRACK  625 DRUG RELATED SEIZURE OF PROPERTY  21 USC 881  690 OTHER  LABOR - "4" MONTHS DISCOVERY TRACK  710 FAIR LABOR STANDARDS ACT  720 LABOR/MIGHT. RELATIONS  740 RAILWAY LABOR ACT  751 FAMILY and MEDICAL LEAVE ACT  790 OTHER LABOR LITIGATION  791 EMPL RET. INC. SECURITY ACT  PROPERTY RIGHTS - "4" MONTHS DISCOVERY  TRACK  820 COPYRIGHTS  840 TRADEMARK  880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)  PROPERTY RIGHTS - "8" MONTHS DISCOVERY  TRACK  830 PATENT  835 PATENT-ARBREVIATED NEW DRUG  APPLICATIONS (ANDA) - alv/a  Hatch-Waxtenum cases	SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK  861 HIA (1395ff) 862 BLACK LUNG (923) 863 DIWW (405(g)) 863 DIWW (405(g)) 864 SSID HILLE XVI 865 RSI (405(g)) 871 IRS - THIRD PARTY 26 USC 7609  OTHER STATUTES - "4" MONTHS DISCOVERY TRACK  375 FALSE CLAIMS ACT 376 Qui Tum 31 USC 3773(a) 400 STATE REAPPORTIONMENT 430 BANKS AND BANKING 450 COMMERCE/ICC RATES/ETC. 460 DEPORTATION 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS 480 CONSUMER CREDIT 485 TELEPHONE CONSUMER PROTECTION ACT 490 CABLE/SATELLITE TV 890 OTHER STATUTORY ACTIONS 891 AGRICULTURAL ACTS 893 ENVIRONMENTAL MATTERS 895 FREEDOM OF INFORMATION ACT 899 899 ENVIRONMENTAL MATTERS 895 FREEDOM OF INFORMATION ACT 899 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION 950 CONSTITUTIONALITY OF STATE STATUTES  OTHER STATUTES - "8" MONTHS DISCOVERY TRACK 410 ANTITRUST 850 SECURITIES / COMMODITIES / EXCHANGE OTHER STATUTES - "0" MONTHS DISCOVERY TRACK 10 ARBITRATION (Confirm / Vacate / Order / Modify)  * PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3		
VII. REQUESTED IN COMPLAINT:  CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND S  JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)				
VIII. RELATED/REFILED CASE JUDGE	E(S) IF ANY DOCKET NO.			
CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)  1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.  5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.  6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):				
☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. , WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.				
"M7Dim	5-	9-2022		

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

MICHAEL THIEDE,	
Plaintiff, v.	Civil Action File No.
SHARPER IMPRESSIONS PAINTING CO. and SHARPER IMPRESSIONS PAINTING OF ATLANTA, LLC,	Jury Trial Demand

Defendant.

COMPLAINT FOR DAMAGES FROM WRONGFUL APPROPRIATION OF IMAGE

COMES NOW, PLAINTIFF, MICHAEL THIEDE, (hereinafter, "Plaintiff" or "Mr. Thiede"), by and through Counsel, and files his Complaint against the abovenamed Defendants on the following grounds:

#### INTRODUCTION

1.

This is a claim for Wrongful Appropriation of Image and damages.

# **JURISDICTION**

Case: 2:21-64-01-04-05-01-04-05-01-0

Thiede.Michael Complaint Page 2

The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §

1332.

3.

Defendant Sharper Impressions Painting Co., , (hereinafter, "SIPC"), is an Ohio Corporation that does business in Georgia. Absent acknowledgment of service, SIPC can be served through its registered agent, DYAS Law LLC, PO Box 991, Marysville, OH 43040.

4.

Defendant Sharper Impressions Painting of Atlanta, LLC, (hereinafter, "SIPA"), is an Ohio limited liability company that does business in Georgia. Absent acknowledgment of service, SIPA can be served through its Georgia registered agent, C T CORPORATION SYSTEM at 289 S Culver St, Lawrenceville, GA, 30046-4805.

#### VENUE

4

Defendants operate within the Northern District of Georgia. All actions by Defendants alleged herein occurred within the Northern District of Georgia.

Case: 2:21-cgy-04245-ALM-SM-SDec #: 37-2 Filed: Pfiled: 05/05/05/25: 6 of 13 PAGEID #: 276

Thiede.Michael Complaint Page 3

Venue in this district is proper for the Defendants pursuant to 28 U.S.C. § 1391 (b) and (c).

#### **PARTIES**

5.

Mr. Thiede is an individual resident of Georgia and former employee of SIPA.

6.

Defendant SIPC is a residential painting company with operations in Georgia.

On information and belief SIPA is a subsidiary of SIPC and also does business as a residential painting company in Georgia.

#### STATEMENT OF FACTS

7.

After leaving his employment with SIPA, Mr. Thiede has continued to work in the painting business outside an area restricted by an noncompete agreement.

8.

Mr. Thiede has built a reputation as a premier paint contracting professional for many years.

Thiede.Michael Complaint Page 4

In March of 2022, Mr. Thiede discovered that SIPC and SIPA distributed direct mail advertisements using Mr. Thiede's image and likeness which falsely represented to the public that Mr. Thiede was a representative of SIPC and SIPA.

10.

Mr. Thiede did not consent to the use of his likeness in the direct mail advertising.

11.

On information and belief, SIPC and SIPA sent at least 10,000 advertisements by mail to homeowners in North Georgia.

12.

The purpose of mailing the advertisements with the unauthorized photo of Mr. Thiede was to gain financial advantages.

#### WRONGFUL APPROPRIATION OF IMAGE

13.

Mr. Thiede reincorporates and realleges the allegations in paragraphs 1. through 12. of this complaint as if fully set forth herein.

Thiede. Michael Complaint Page 5

SIPC and SIPA used Mr. Thiede's image without his knowledge or permission to gain financial advantage in the residential painting industry.

Wherefore, Mr. Thiede demands judgment in excess of \$75,000.00 due to SIPC and SIPA's intentional tort to be determined by the enlightened conscious of a jury.

#### **PUNITIVE DAMAGES**

15.

Mr. Thiede reincorporates and realleges the allegations in Paragraphs 1. through 14. of the Complaint as if fully set forth herein.

16.

Defendants' actions demonstrate an intentional or willful misconduct, and an entire want of care and/or indifferent to the consequences so as to justify an award of punitive damages to the Plaintiff in an amount to be proven at trial.

#### **ATTORNEY'S FEES**

17.

Plaintiff reincorporates and realleges the allegations in Paragraphs 1. through 16. of this Complaint as if fully set forth herein.

Thiede.Michael Complaint Page 6

Defendants SIPC and SIPA have acted in bad faith, have been stubbornly litigious, and have caused Mr. Thiede unnecessary trouble and expense with regard to the subject of this Complaint. As such, Defendants are liable to Plaintiff for attorney's fees and costs incurred in prosecuting this action in amounts to be proven

**Prayer for Relief** 

at trial.

Wherefore Plaintiff prays for judgment as follows:

1. That process issue as to SIPC and SIPA;

2. That there be a trial by jury;

3. That Mr. Thiede have judgment against SIPC and SIPA, jointly and

severally, of at least \$75,000.00 to be determined by the enlightened

conscious of a jury;

4. That Plaintiff receive judgment against SIPC and SIPA for Punitive

Damages, jointly and severally, in an amount to be determined by the

enlightened conscious of a jury;

5. That Plaintiff receive judgment against SIPC and SIPA, jointly and

severally, for Attorney's Fees and Costs;

Thiede.Michael Complaint Page 7

6. That this Court grant Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted, this 2 day of May, 2022.

Ronald F. Debranski II Attorney for Plaintiff Michael Thiede Ga Bar No. 970355

Debranski & Associates, LLC 321 Creekstone Ridge Woodstock, GA 30188 770-926-1957

# UNITED STATES DISTRICT COURT

for the Northern District of Georgia Civil Action No. SHARPER IMPRESSIONS PAINTING CO.

### NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: DYAS Law LLC, PO Box 991 Marysville, OH 43040

MICHAEL THIEDE Plaintiff

Defendant

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

#### Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

#### What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 05/12/2022	- Ned & Durid
	Signature of the attorney or unrepresented party
	Ronald F. Debranski II
	Printed name
	321 Creekstone Ridge Woodstock, GA 30188
	Address
	ron@debranski.com
	E-mail address
•	770-926-1957
	Telephone number

321 Creekstone Ridge Woodstock, GA 30188

CT CORPORATION SYSTEM 289 S Culver St, Lawrenceville, GA, 30046-4805.

